

United States Department of Justice
Office of the United States Trustee
300 Plaza Tower
Suite 300
Tyler, Texas 75702
(903) 590-1450

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

IN RE

Debtor

Thomas C. Brown

16040 Broadleaf

Texarkana, TX 75503

BOWIE-TX

SSN / ITIN: xxx-xx-0480

Joint Debtor

Linda L. Brown

16040 Broadleaf

Texarkana, TX 75503

BOWIE-TX

SSN / ITIN: XXX-XX-1125

Debtor

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Case No. 09-50070

Chapter 7

**U.S. TRUSTEE'S MOTION TO REOPEN CASE
AND FOR TEMPORARY WAIVER OF FEE FOR REOPENING**

Note: Suspense Language Not Required Pursuant to Local Rule 9007(a)

NOW COMES the United States Trustee for the Eastern District of Texas and files this Motion to Reopen in the above entitled Chapter 7 case pursuant to 11 U.S.C. §350. In support of this Motion the United States Trustee would show the Court as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334, §151; 11 U.S.C. §350(b); and the standing order of reference. This is a “core” proceeding pursuant to 28 U.S.C. §157(b)(2)(A) and (O).
2. This case was commenced by the filing of a voluntary petition under Chapter 13 on

April 5, 2009. This case was converted to a Chapter 7 on May 14, 2013. Linda Payne was appointed as trustee. Linda Payne submitted a Trustee's No Distribution Report on June 18, 2013. The debtors received a discharge and the case was closed on August 23, 2013.

3. It has come to the attention of the United States Trustee that the Chapter 13 trustee, Janna Countryman deposited a non-negotiated duplicate payment to J D Raffailli, in the amount of \$8,624.33, into the Unclaimed Funds Registry on May 28, 2013. This claim is property of the debtors' bankruptcy estate pursuant to 11 U.S.C. §541 and §554(d).

4. Cause exists pursuant to 11 U.S.C. §350(b) for the reopening of this case for the purpose of administering this asset. The U.S. Trustee requests this Court to waive the payment of the fee for reopening at this time, but the Trustee will include payment of this fee in full in his proposed distributions from this estate.

WHEREFORE, PREMISES CONSIDERED, the United States Trustee respectfully requests that this Court enter an order reopening this case and directing that a trustee be appointed. The U.S. Trustee also requests a temporary waiver of the fee for reopening this case.

DATED: November 27, 2013

Respectfully submitted,
William T. Neary
United States Trustee

BY: /s/ Marc Salitore
Trial Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on the following listed persons through the courts electronic notification system as permitted by Appendix 5005 II. B. 2 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, this the 27th day of November , 2013.

Debtor

Thomas C. Brown
16040 Broadleaf
Texarkana, TX 75503

Chapter 7 Trustee

Linda S Payne
541 Banner Place
12770 Coit Road
Dallas, TX 75251

Debtor's Attorney

Rodney Dale McDaniel
4503 Texas Blvd., Ste. C
Texarkana, TX 75503

Notices of Appearance

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